

# Kol Mevasser

## SHABBAT SHOFTIM

2 Elul 5769

August 22, 2009

Kahal Joseph Congregation • 10505 Santa Monica Boulevard • Los Angeles, CA 90025

310-474-0559 • phone 310.441.4059 fax • www.kahaljoseph.org

### The Pursuit of Justice

Rabbi Yosef Benarroch

*"You shall appoint judges and officers in all your gates, which the Lord your God gives you, according to your tribes, and they shall judge the people with just judgment. You shall not pervert justice; you shall not show partiality, nor take a bribe, for a bribe blinds the eyes of the wise and twists the words of the righteous. Justice justice you shall follow, so that you may live and inherit the land which the Lord your God is giving you." (Devarim 16:18-20)*

These three verses begin this week's Parasha entitled "Shoftim". They set down one of the most important principles of the Torah namely the establishment of a proper judicial system, and the constant pursuit of justice. A closer reading of this section will reveal subtle nuances that teach fundamental principles about the importance of justice as the cornerstone of society.

I would like to point out two inconsistencies. The first has to do with justice somehow being associated with the Land of Israel. The end of the section would seem to indicate that without justice we cannot inherit the land. But is justice not a universal concept that applies to every land? Why is there a special warning connecting justice to inheriting the Land of Israel?

Secondly a close reading of the Hebrew reveals a grammatical inconsistency. In the opening words of *"You shall appoint judges"* the word *"you"* appears in the singular *"Titen Lekha"*. Isn't the obligation to appoint judges incumbent on the entire nation in which case the *"you"* should have been in the plural *"Titnu Lakhem"*? Why does the Torah choose the singular here as if to say you must appoint a private judge for yourself?

The usage of the singular is again repeated in the last verse. Once again when the Torah says

### PRAYER SCHEDULE

#### SHABBAT SHOFTIM

Rosh Hodesh Elul

1 Elul / Friday, August 21st

Shaharith .....6:30 am  
Minhah & Arvith .....6:45 pm  
Shabbat Candlelighting.....7:14 pm

2 Elul / Saturday, August 22nd

Shaharit .....8:30 am  
Minhah & Arvith .....7:00 pm  
Motzei Shabbat.....8:17 pm

#### Weekdays

3 Elul / Sunday, August 23rd

Selihoth.....6:30 am  
Shaharith .....7:30 am

4 to 7 Elul/ August 24th to 27th

Selihoth.....5:45 am  
Shaharith .....6:30 am

#### SHABBAT KI TETZE

8 Elul / Friday, August 28th

Shaharith .....6:30 am  
Minhah & Arvith .....6:45 pm  
Shabbat Candlelighting.....7:06 pm

*"Justice justice you shall pursue"* it uses the singular *"Tirdof"* and not the plural *"Tirdefu"*. So too when mentioning the land it says *"so that you may live (tikhye in singular and not tikhyu in plural) and inherit the land which the Lord your God is giving you (Lakh in singular and not lakhem in plural)"*.

The association, especially here, of justice with the Land of Israel is quite logical. Remember the *"Book of Devarim"* takes place as the Jewish people conclude their forty years of wandering and are preparing to enter the land. It is for this reason that Moses repeats all of the laws to them. What he is doing is reminding the nation that their true claim to the land is in order to live there according to the principles of the Torah. As they are about to enter he reminds them that one of those principles, and perhaps the most important one, is to live according to justice. As they are about to enter the land Moses

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reminds the people that one thing G-d will not tolerate is a nation living in the land with corrupt values.

But the Torah does much more than give us guidelines to entering the land. By placing the entire section in the singular what the Torah is doing is emphasizing that justice is as much a private matter as it is a public matter. By placing it in the singular the Torah is saying that justice **MUST** be every person's personal responsibility and not just the responsibility of the judicial system. Every person must be preoccupied with being just.

Let me give an example, one that hit home strongly in Israel. These past few weeks we have witnessed an escalation in violent crime and a string of brutal murders. The straw that broke the camels back was the fatal beating at the hands of a group of drunken youth of a fifty nine year old man who was on a leisurely walk with his wife and daughter. In a country that takes pride in its low crime rate the story rocked the country. It was one of a number of events in the past few weeks and it started a heated dialogue in the media regarding the rise in violent crime in this country. Very quickly the debate turned to a fundamental flaw in the system. Radio shows and newspapers were quick to start asking questions about how understaffed the Israeli police force is. In many cases the rise in crime was placed squarely on the fact that policemen are underpaid, police forces don't have enough manpower or resources, and if the system could get a shot in the arm these things wouldn't happen.

To be sure crime requires a strong deterrent. I will be the first one to agree that there should be more policemen patrolling the streets, and penalties for offenders should be stiffer. But to place the blame squarely on the system is to miss the most basic point. Crime starts with individuals and with the values they are taught. Just because someone is poor it doesn't give them a green light to steal. In fact Jewish tradition is filled with beautiful stories about people who were miserably poor yet displayed exemplary moral behavior.

While the judicial system is in charge of making sure that there is justice, that justice revolves around the individual. When our text uses the singular it is making a powerful statement that justice must be every individual's pre-occupation. Every person must work on themselves to acquire proper values. Every person, through study and education, must realize what constitutes a wrong and immoral act and develop the discipline to stay away from such negative behavior. While justice is in the hands of judges and officers, we can assist them and make their jobs much easier by making justice our personal agenda.

One of the great Kabbalist Rabbi Hayim Vital offers a fascinating explanation of our section. He says that, by placing the verses in the singular, the Torah is saying to each one of us that we must establish our own personal judges and police officers to patrol our behavior. But notice the text states, "*You shall appoint judges and officers in all your gates*". If the text is talking about establishing personal officers to police our actions, then what are the gates mentioned here? Rabbi Hayim Vital explains that the gates refer to our five senses. A gate allows us to enter into a new place and experience that place. That, explains Rabbi Vital, is what our senses do. With our senses we are able to enter and experience the world. He explains that every person must establish judges and officers to make sure that they are using their five senses (gates) properly. That means not using their eyes to covet, or their hands to steal, or their mouths to slander.

Dear friends in these days where crime has become common place, where we open the newspapers and see Rabbinis and appointed figures involved in corruption we would all do well to internalize this message. What better time to do this than the beginning of the month of Elul. Is this not the month of repentance where each and every one of us must take personal responsibility for our actions and dedicate ourselves to self improvement? If not now when? Wishing you all a Shabbat Shalom.

*Published courtesy of the SEC*

## **Parasha & Haftara**

*Parashat Shoftim* pp. 820 *Haftarah* pp. 835

## **Refuah Shlemah**

Yonatan ben Alizah ▪ Mazal Tov bat Sulha Mitana ▪  
Jack Wickett ▪ Ayala bat Naomi ▪ Yosi ben Esther  
Yaheskel ben Regina Matilda Louisa ▪ Victor ben  
Pauline ▪ Haim ben Mordechai ▪ Khayah Noa bat Sara  
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## Ge'onim: The Great Sephardic Scholars *Rabbi Isaac Alfasi*

Rabbi **Isaac ben Jacob Alfasi** (1013 - 1103) - also **Isaac Hakohen, Alfasi** or the **Rif** was a Talmudist and posek (decisor in matters of halakha - Jewish law). He is best known for his work of *halakha*, the legal code *Sefer Ha-halachot*, considered the first fundamental work in *halakhic* literature. He was born near Fes in Morocco, and spent the majority of his career there, and is therefore known as *Alfasi* ("of Fes" in Arabic); *Rif* is the Hebrew acronym of "Rabbi Isaac alFasi".

**Biography**—Alfasi was born in Kalat ibn Hamad, a village near Fes in Morocco. He studied in Kairouan, Tunisia under Nissim Ben Jacob and Chananel Ben Chushiel (*Rabbeinu Chananel*) the recognized rabbinical authorities of the age. Chananel trained Alfasi to deduce and to clarify the Halakha from Talmudic sources, and Alfasi then conceived of the idea of compiling a comprehensive work that would present all of the practical conclusions of the Gemara in a clear, definitive manner. To achieve this goal, he worked for 10 consecutive years in his father-in-law's attic.

In 1045, the "heterodox sects" in the city were severely persecuted, and the Jews, with the rest, suffered greatly; see History of Tunisia, History of the Jews in Tunisia. As a result, the city's Jewish residents fled; Alfasi moved to Fes with his wife and two children. Fes' Jewish community undertook to support him and his family so that he could work on his *Sefer Ha-halachot* undisturbed. They also founded a yeshiva in his honor, and many students throughout Morocco came to study under his guidance. The most famous of his many students is Judah Halevi; he also taught Joseph ibn Migash, who was in turn a teacher of Maimon, father & teacher of Maimonides (Rambam).

Alfasi remained in Fes for 40 years, during which time he completed his *Sefer Ha-halachot*. Eventually, he became known as *Alfasi* ("from Fes"); *Rif* is an acronym of Rabbi Isaac alFasi. In 1088, when an old man of seventy-five, two informers denounced him to the government upon some unknown charge. He left Fes for Spain, eventually becoming head of the yeshiva in Lucena in 1089.

In a sense, Alfasi brought the geonic period to a close - the last of the Babylonian geonim, Hai Gaon, died when Alfasi was 25 years old; Alfasi himself was called *Gaon* ("genius") by several early halachic authorities. His "magnanimous character" is illustrated by two incidents. When his opponent Isaac Albalia died, Alfasi adopted Albalia's son. When Alfasi was himself on the point of death, he recommended as his successor in the Lucena rabbinate, not his own son, but his pupil Joseph ibn Migash.

**Works**— **Sefer ha-Halachot** also referred to as "the *Hilchot* of the Rif") extracts all the pertinent legal decisions from the three Talmudic orders Moed, Nashim and Nezikin as well as the tractates of *Berachot* and *Chulin* - 24 tractates in all. Alfasi transcribed the Talmud's halakhic conclusions verbatim, without the surrounding deliberations; he also excludes all Aggadic (non-legal, homiletic) matter as well as discussion of the

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### In Memoriam

These anniversaries occur from Shabbat, the 2nd of Elul (August 22, 2009) to Shabbat, the 9th of Elul (August 29, 2009). It is customary to light a memorial candle in the evening and donate tzedakah. Family members are encouraged to attend services.

**Shabbat / 2 Elul**  
Miriam bat Saul

**Monday / 4 Elul**  
Edward Kelly

**Tuesday / 5 Elul**  
Aharon Shalom Elisha Arakie HaCohen  
Avraham ben Ezra Yaacov

**Thursday / 7 Elul**  
Yaacov Aboulafia ben Sarah

**Friday / 8 Elul**  
Rahel bat Lulu  
Naji Ezra Helali  
Yamin ben Sassoon

**Shabbat / 9 Elul**  
Shimon ben Haskel Dabby  
Habiba bat Farha  
Rachel bat Miriam Mingail\*

\**Yahrzeit names with asterisks are missing contact information for family members. To update the Kahal Joseph database, please call 310.474.0559.*

halakha practicable only in Land of Israel. Maimonides wrote that Alfasi's work "has superseded all the geonic codes for it contains all the decisions and laws which we need in our day". *Sefer ha-Halachot* plays a fundamental role in the development of Halakha. Firstly, "the Rif" succeeded in producing a *Digest*, which became the object of close study, and led in its turn to the great *Codes* of Maimonides and of Joseph Karo. Secondly, it served as one of the "Three Pillars of Halakha", as an authority underpinning both the Arba'ah Turim and the Shulkhan Arukh.

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Rabbi Nissim of Gerona (the *RaN*) compiled a detailed and explicit commentary on this work; In yeshivot "the Rif and the *RaN*" are regularly studied as part of the daily Talmudic schedule.

This work was published prior to the times of Rashi and other commentaries, and resulted in a profound change in the study practices of the scholarly Jewish public in that it opened the world of the gemara to the public at large. It soon became known as the *Talmud Katan* ("Little Talmud"). At the close of the Middle Ages, when the Talmud was banned in Italy, Alfasi's code was exempted so that from the 16th to the 19th centuries his work was the primary subject of study of the Italian Jewish community. Alfasi also occupies an important place in the development of the Sephardi method of studying the Talmud. In contrast to the Ashkenazi approach, the Sephardim sought to simplify the Talmud and free it from casuistical detail.